

10/541671

JC14 Rec'd PCT/PTO 08 JUL 2005

Customer No. 22,852  
Attorney Docket No. 06082.0034

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Takashi NAKAMURA et al. )  
Application No.: Not Yet Assigned )  
Filed: July 8, 2005 ) Group Art Unit: Not Yet Assigned  
National Stage of International Application No. )  
PCT/JP2004/000042 under 35 U.S.C. 371 ) Examiner: Not Yet Assigned  
For: OSTEOINDUCTIVE ARTIFICIAL BONE AND )  
MANUFACTURING METHOD THEREOF (AS )  
AMENDED) )

**MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the international search report. A copy of each listed document is attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

Except for document 5 below, only English-language abstracts of the listed Japanese patent publications are enclosed. Document 5 is in a non-English language.

1. Abstract of Japanese patent publication no. 2000-210313.
2. Abstract of Japanese patent publication no. 05-131024.
3. Abstract of Japanese patent publication no. 05-056990 with a partial translation of this document is enclosed.
4. Abstract of Japanese patent publication no. 2003-190272.

An English-language international search report from the Japanese Patent Office in the PCT international application, from which this national phase U.S. application is derived, cites documents 1-4 above and sets forth the relevance thereof.

5. Japanese patent publication no. 2775523. The relevance of this document is discussed at page 1 of the specification of the present application. This document corresponds to enclosed U.S. 5,609,633.

6. Abstract of Japanese patent publication no. 2002-102330. The relevance of this document is discussed at page 1 of the specification of the present application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed

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documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 8, 2005

By:

  
Ernest F. Chapman  
Reg. No. 25,961

Enclosures  
EFC/FPD/blc

|  |   |    |   |                          |                  |
|--|---|----|---|--------------------------|------------------|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO  |   |    |   | <b>Complete if Known</b> |                  |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |   |    |   | Application Number       | Not Yet Assigned |
| Sheet  | 1 | of | 1 | Filing Date              | July 8, 2005     |
|  |   |    |   | First Named Inventor     | Takashi NAKAMURA |
|  |   |    |   | Art Unit                 | Not Yet Assigned |
|  |   |    |   | Examiner Name            | Not Yet Assigned |
|  |   |    |   | Attorney Docket Number   | 06082.0034       |

| <b>U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS</b> |                       |  |   |   |   |
|--|-----------------------|--|---|---|---|
| Examiner Initials  | Cite No. <sup>1</sup> | Document Number                          | Issue or Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|  |                       | Number-Kind Code <sup>2</sup> (if known) |   |   |   |
|  |                       | US-5,609,633                             | 03-11-1997                              | Kokubo  |   |
|  |                       |  |   |   |   |

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

| <b>FOREIGN PATENT DOCUMENTS</b> |                       |   |                                |   |   |
|---------------------------------|-----------------------|---|--------------------------------|---|---|
| Examiner Initials               | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|                                 |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |   |   |
|                                 |                       | JP 2000-210313  | 08-02-2000                     | Kokubo et al.                                   |   |
|                                 |                       | JP 05-131024  | 05-28-1993                     | Kumagai et al.                                  |   |
|                                 |                       | JP 05-056990  | 03-09-1993                     | Kawatani et al.                                 |   |
|                                 |                       | JP 2003-190272  | 07-08-2003                     | Kokubo et al.                                   |   |
|                                 |                       | JP 2775523  | 05-01-1998                     |   | No  |
|                                 |                       | JP 2002-102330  | 04-09-2002                     | Kokubo et al.                                   |   |
|                                 |                       |   |                                |   | Abstract only   |
|                                 |                       |   |                                |   | Abstract only   |
|                                 |                       |   |                                |   | Abstract partial translation  |
|                                 |                       |   |                                |   | Abstract only   |
|                                 |                       |   |                                |   | No  |
|                                 |                       |   |                                |   | Abstract only   |

| <b>NON PATENT LITERATURE DOCUMENTS</b> |                       |   |                          |
|--|-----------------------|---|--------------------------|
| Examiner Initials                      | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
|  |                       | KIM et al., "BIOACTIVE MACROPOROUS TITANIUM SURFACE LAYER ON TITANIUM SUBSTRATE", J Biomed Mater Res, 52, pp. 553-557, (2000).  |                          |
|  |                       | YUAN et al., "BONE INDUCTION BY POROUS GLASS CERAMIC MADE FROM BIOGLASS (45S5)", J Biomed Mater Res (Appl Biomater), 58, pp. 270-276, (2001).   |                          |

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.